

## ATTORNEY'S DOCKET NUMBER: 2003080-0071 (SK-744-CON4)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Danishefsky et al.

Examiner:

Solola, T.A.

Serial No.:

09/797,027-10/004,57/

Art Unit:

1626

Filed:

March 1, 2001

For:

Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## RESPONSE TO RESTRICTION/ELECTION REQUIREMEN

Responsive to the Restriction and Election Requirement mailed September 15, 2004, Applicant respectfully elects Group XIV (Claims 27, 37-38), drawn to processes of making protected epothilones/precursor thereof, classified in several heterocyclic classes and nonheterocyclic classes. Applicant respectfully submits that claims 28 and 29, which depend from claim 27, have been inadvertently omitted from Group XIV in the Restriction Requirement, and Applicant requests that these claims be added to the elected group. In the Preliminary Amendment submitted with this Response, Applicant has added additional dependent claims, which fall within the elected group and find support in the Specification as originally filed.

Applicant thanks the Examiner for careful consideration of this case. Please charge any fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.

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Date: January 31, 2005

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